UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America	)	
v.	)	
	)	Case No: 5:01CR5-11
Heath Blake Winkler	)	USM No: 16611-058
	)	Samuel Bayness Winthrop
Date of Previous Judgment: 4/17/02	)	Defendant's Attorney
(Use Date of Last Amended Judgment if Applicable)	)	

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ■ the defendant ❒ the Director of the Bureau of Prisons ❒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:
    ❒ DENIED. ■ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 144 months **is reduced to** 132 months .

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	35	Amended Offense Level:	33
Criminal History Category:	V	Criminal History Category:	V
Previous Guideline Range:	262 to 327 months	Amended Guideline Range:	240 to 262 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE
❒ The reduced sentence is within the amended guideline range.

■ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

■ Other (explain): Pursuant to the provisions of USSG §5G1.1, if the defendant were sentenced today, the guideline range for imprisonment, prior to any departure, would be 240 to 262 months. 55% of the low end of the revised guideline range for imprisonment is 132 months, and this is the recommendation of the probation officer.

III. ADDITIONAL COMMENTS
Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Officer.

Except as provided above, all provisions of the judgment dated 4/17/02 shall remain in effect.

IT IS SO ORDERED.

Order Date: December 18, 2008

Effective Date: December 18, 2008
    (if different from order date)

Richard L. Voorhees
United States District Judge